

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2442 OF 2007

...

Modern Education Society, Gherdi

and another ...Petitioner

v/s.

The Education Officer (Secondary)

Zilla Parishad, Solapur and ors. ...Respondents

...

Mr.A.A.Joshi for the Petitioners.

Mr.Mohan N. Dhamal for Respondent No.3.

Mr.C.R.Sonawane, AGP for State.

...

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 22ND NOVEMBER, 2007

P.C.:

1. By this Petition the Petitioners challenge the

order dated 10-2-2007 passed by the Education Officer approving appoint of Respondent No.3 as Head Master of recognised school with effect from 1-4-2005. According to Respondent No.3, his appointment has been made pursuant to resolution passed by the Management dated 31-3-2005.

2. According to the Petitioners, there is no such resolution passed. If that is so the remedy of the Petitioners is to file a suit for appropriate relief before the civil court. If the Petitioners succeed in showing that there is no valid resolution passed appointing Respondent No.3 as Head Master then the order of the Education Officer approving his appointment automatically falls to ground and will not survive. Petition is, therefore, disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)